

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES PRICE,

Plaintiff(s),

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

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Case Number: 1:08cv15

Chief Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Timothy S. Hogan filed on October 14, 2009 (Doc. 17), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired November 3, 2009, hereby ADOPTS said Report and Recommendation.

Accordingly, the Court finds that the \$178.32 rate sought by plaintiff is reasonable in this matter.

Plaintiff has not requested an increase in the rate based upon any “special factor.” *See* 28 U.S.C. § 2412(d)(2)(A). Accordingly, the Court need not address the “special factor” inquiry.

The Court next turns to a discussion of the applicable hours Plaintiff’s counsel worked relative to the sentence four remand, *i.e.*, the hours to which the \$178.32 hourly rate shall be applied. Counsel states she worked 13.75 hours on all District Court proceedings, including the preparation of her fee petition, which is compensable pursuant to *Commissioner v. Jean*, 496 U.S. 154,162 (1990). The Commissioner does not challenge the number of hours submitted by counsel. The Court finds such hours reasonable and relevant to the prosecution of this matter.

Plaintiff is entitled to compensation for 13.75 hours at a rate of \$178.32. Application of this rate to the compensable hours yields an attorney fee of \$2451.90. Accordingly, the Court finds the requested fee by counsel to be reasonable and it will be awarded under EAJA.

The Court therefore **ORDERS** that the EAJA fee petition filed by Plaintiff's counsel (Doc. 16) is **GRANTED** and that counsel is **AWARDED** \$2,451.90 in attorney fees and \$350.00 in costs for a total award of \$2,801.90.

IT IS SO ORDERED.

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s/Susan J. Dlott

Chief Judge Susan J. Dlott
United States District Court